

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER

Case No. – OA-795 of 2022

Mithun Dalui - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mrs. M. Roy (Dey),
Learned Advocate.

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20.06.2024

For the State Respondents

Mr. Shaon Bhattacharya,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

The applicant has prayed for setting aside the impugned Memo dated 25.04.2022 by which the Deptt regretted giving an employment under compassionate ground to the applicant. The applicant's mother, late Gene Dalui was a Road Majdoor under Bardhaman (East) Sub-Division, P.W.D. and died while in service on 11.10.2013. Soon after the death of his mother, the applicant furnished a plain paper application before the Executive Engineer-I, P.W.D., Bardhaman(East) praying for compassionate employment. This plain paper application was followed by submission of proforma application on 23.03.2017. Mrs. Roy (Dey) also expresses that usually such an applicant who is semi literate and from a mufasal area is not given the blank proforma application unless they are satisfied. The applicant does not have his own means and resources to gather such a blank proforma application and submit before the respondent authority. Unlike a plain paper application, this proforma application which is in three parts cannot be submitted without the help and guidance of the officials in the office of the respondent authority. Such proforma application was eventually handed over to him only after active persuasion for three years after the death of his mother. This is the sole reason why the date of submission of proforma application is almost three years after the

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death of his mother. The proforma application along with other documents was forwarded by the Executive Engineer-I to the Superintending Engineer, Western Circle on 20.03.2018. After submission of the proposal, the Joint Secretary of the Department called the applicant to appear in person for the purpose of document verification on 29.05.2018. The applicant duly appeared and all his documents were verified. Unfortunately, Mrs. Roy (Dey) submits that despite submission of all the relevant documents and its verification, the applicant, though being eligible, was not considered for such an employment. The impugned reference dated 25.04.2022 was communicated to the Executive Engineer rejecting such an application on the ground that the proforma application was submitted on 23.03.2017, more than three years after the death of the deceased employee.

Appearing on behalf of State respondent Mr. Shaon Bhattacharya submits that since he has not been given copy of the application by the office of the respondents, he prays for accommodation to take instruction and submit on the next date.

In view of the submission of Mr. Bhattacharya, let this matter be listed under the heading Hearing on **09.09.2024**.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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